

## **3 FAM 3430 HOME LEAVE**

*(TL:PER-384; 05-18-2000)*

### **3 FAM 3431 AUTHORITY AND ELIGIBILITY**

#### **3 FAM 3431.1 Authority**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

a. The authorities are found under:

- (1) 5 U.S.C. 6305;
- (2) 5 Code of Federal Regulations (CFR) 630, Subpart F; and
- (3) Section 903 of the Foreign Service Act of 1980, as amended.

b. The purpose of home leave is to ensure that employees who live abroad for an extended period undergo reorientation and re-exposure in the United States on a regular basis.

#### **3 FAM 3431.2 Eligibility**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

a. Within the limitation of available funds, the foreign affairs agencies may grant home leave, or combined home leave and annual leave, with travel at U.S. Government expense to any employee who:

- (1) Is a citizen of the United States;
- (2) Has completed at least 18 months of continuous service abroad; and
- (3) Is expected to return to service abroad immediately, upon completion of an assignment in the United States, or upon

reemployment after transfer to an international organization.

- b. An employee who meets the requirements of 3 FAH-1 H-3415, for the accumulation of a maximum of 45 days of annual leave, earns and may be granted home leave.
- c. Participating agency employees of USAID compensated under the Foreign Compensation (FC) schedule earn home leave on the same basis as other USAID employees.
- d. **For Commerce:** Also see chapter in Commerce's *Operations Manual* entitled "Home Leave".

### 3 FAM 3432 DEFINITIONS

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

The following definitions apply to 3 FAH-1 H-3430 and this subchapter:

- (1) **Creditable service abroad:** For the purpose of establishing eligibility for travel at U.S. Government expense, creditable service abroad is continuous service as a Federal employee with any agency of the Federal Government, including service in the U.S. Armed Forces at a post of duty outside the United States, or outside the employee's place of residence, if the employee's residence is a U.S. Commonwealth or possession;
- (2) **Home leave:** Leave authorized by 5 U.S.C. 6305(a) and earned by service abroad for use in the United States, in the U.S. Commonwealth or possession, or in the territories and possessions of the United States;
- (3) **Month:** A period which runs from a given day in one month through the day proceeding the numerically corresponding day in the next month;
- (4) **Possession:** U.S. possessions, including principally the Virgin Islands, Guam, and American Samoa;
- (5) **United States:** The 50 States and the District of Columbia;
- (6) **U.S. Commonwealth:** The Commonwealths of Puerto Rico and the Northern Mariana Islands; and

- (7) **Foreign affairs agencies:** State, USAID, the Department of Commerce, and the Foreign Service Corps of USDA.

## **3 FAM 3433 OTHER CONSIDERATIONS**

### **3 FAM 3433.1 Less Than 18 Months of Continuous Service Abroad**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

Home leave may be granted to employees with less than 18 months of continuous service abroad only:

- (1) When their normal assignment is terminated because the post or country of assignment is designated as an imminent danger area and the employees are evacuated from post; or
- (2) As authorized by the Director of Personnel, where the assignment is terminated at the convenience of the U.S. Government and the needs of the Foreign Service so warrant.

### **3 FAM 3433.2 Dual Entitlements**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

Employees may not receive dual entitlements, therefore:

- (1) Each member of a tandem couple may accrue and use home leave in his or her own right when both are assigned abroad. However, if one member goes on LWOP to accompany his or her spouse abroad, that member will be considered a dependent for travel and home leave entitlement purposes. Home leave travel as a dependent is considered a break in continuous service abroad. Home leave accrued prior to going on LWOP will remain to the employee's credit and may be used when the employee returns to duty status and establishes eligibility; and
- (2) The spouse of an employee of the foreign affairs agencies who is serving at post as a member of the uniformed services or as an employee of another U.S. Government (USG) agency is eligible for

home leave as the employee's family member provided:

- (a) The other agency or uniformed service does not accord comparable benefits; and
- (b) The spouse is included on the employees' Form OF-126, Residence and Dependency Report.

### **3 FAM 3433.3 Eligibility of Family Members**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

Family members qualify for home leave travel based on the eligibility and entitlement of the employee. Eligible family members include those dependents (eligibility terminates for children at age 21), who:

- (1) Are included on the employee's Residence and Dependency Report (Form OF-126);
- (2) Have traveled to post under official travel orders; and
- (3) Are considered to be residing at post at the time the employee travels under home leave travel orders.

Normally, the family members travel with the employee, but dependents may travel in advance of or after the employee provided that travel orders have been issued and the employee meets the minimum period of service to qualify for home leave.

## **3 FAM 3434 HOME LEAVE WHEN FOLLOWED BY ASSIGNMENT ABROAD**

### **3 FAM 3434.1 Standard**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

Generally, 30 workdays of home leave, exclusive of transit time, will be granted unless the employee requests or has accrued fewer days, or an exception is made based on the needs of the Service.

### 3 FAM 3434.2 Minimum

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

Except as provided below, employees and family members will not take less than 20 workdays of home leave. However, exceptions based on the needs of the Service or compelling personal needs may be made for the employee and/or family members. Such exceptions must be approved prior to departure from post by:

<b>Agency</b>	<b>Office Which Must Approve</b>
STATE	Director General of the Foreign Service and Director of Personnel
USAID	Deputy Assistant Administrator for Human Resources or IG/RM
COMMERCE	Deputy Assistant Secretary for International Operations (or the appropriate official in the operating unit)
AGRICULTURE	FAS: Assistant Deputy Administrator, Foreign Agricultural Affairs  APHIS: Assistant Deputy Administrator, International Services

### 3 FAM 3434.3 Maximum

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

- a. Forty-five (45) workdays, including, if necessary, annual leave, but excluding travel time is the maximum home leave which will be, generally, approved. A longer period of home leave is justified by circumstances such as:
  - (1) Need for added recuperation due to service under particularly difficult circumstances;
  - (2) Exceptional delay of home leave due to program needs;
  - (3) Serious personal or family problems;

- (4) Abbreviated home leave when last authorized; or
- (5) Other unusual circumstances warranting home leave in excess of the normal maximum.

b. An exception to the 45 workday maximum may be granted by:

<b>Agency</b>	<b>Office Which Must Approve</b>
STATE	Director General of the Foreign Service and Director of Personnel
USAID	Deputy Assistant Administrator for Human Resources or IG/RM
COMMERCE	Deputy Assistant Secretary for International Operations (or the appropriate official in the operating unit)
AGRICULTURE	FAS: Assistant Deputy Administrator, Foreign Agricultural Affairs  APHIS: Assistant Deputy Administrator, International Services

### **3 FAM 3434.4 Interruption of Home Leave**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

Home leave should be taken in one continuous period. However, this period may be interrupted for temporary duty, such as training, community relations programs, consultation, or other circumstances, subject to agency approval. (See 3 FAM 3438, paragraph b, and 3 FAH-1 H-3434.) The agency's approval for an interruption of home leave will indicate if any travel required in the performance of the temporary duty is authorized.

## **3 FAM 3435 HOME LEAVE IN CONNECTION WITH AN ASSIGNMENT IN THE UNITED STATES**

### **3 FAM 3435.1 Home Leave Before Next Assignment**

*(TL:PER-384; 05-18-2000)*

*(Effective Date: 04-14-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

- a. If an employee's next assignment is in the United States (or a U.S. Commonwealth or possession) and the employee is eligible for and requests home leave, the leave is to be taken before reporting for duty.
- b. An employee will be granted home leave not to exceed 25 workdays (for Commerce: 15 workdays). A longer period may be authorized as provided in 3 FAM 3434.3.
- c. Annual or sick leave to the employee's credit or LWOP, as appropriate, may be granted in addition to home leave.

### **3 FAM 3435.2 Deferred Home Leave**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

When home leave is authorized and an employee is required to report for duty immediately, the office designated in 3 FAM 3434.3 may authorize a deferral of the employee's home leave. In such instances, the home leave must be taken in one continuous period, except as provided in this subchapter, and must be completed within six months following the effective date of the employee's assignment to the United States.

**For Commerce:** Deferred home leave may also be authorized in connection with an assignment abroad.

**For Agriculture:** Deferred home leave may also be authorized in connection with an assignment abroad.

### **3 FAM 3436 ANNUAL LEAVE IN LIEU OF HOME LEAVE AT U.S. GOVERNMENT EXPENSE**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

Under no circumstances may annual leave be substituted at the end of the leave year for periods previously charged to home leave.

## **3 FAM 3437 RESTRICTIONS ON HOME LEAVE**

### **3 FAM 3437.1 Home Leave Not Authorized Abroad**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

- a. Home leave may be used only in the United States (or in a U.S. Commonwealth or possession if that is the employee's home leave residence). However, incidental travel outside the United States, not involving an overnight stay, is acceptable under these regulations.
- b. Any leave used en route will be charged to annual leave, sick leave, earned compensatory time, or LWOP, as appropriate.

### **3 FAM 3437.2 Combining Home and Annual Leave**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

An employee will not be granted home leave in excess of the amount to the employee's credit on the date of the employee's departure from the post on home leave. However, accrued annual leave or LWOP may be granted in combination with home leave.

### **3 FAM 3437.3 Unused Home Leave**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

- a. Home leave may not be used except during the period for which home leave has been authorized and for which home leave travel authorizations have been issued.
- b. Unused home leave may be added to future accruals and used when the employee again becomes eligible and is authorized home leave travel.

### **3 FAM 3437.4 Return to Duty Abroad**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

Home leave will be granted only when it is planned that the employee will complete another tour of duty abroad, either immediately or upon completion of an assignment in the United States or in a U.S. Commonwealth or possession. Civil Service employees serving under temporary Foreign Service appointments abroad are not eligible for home leave upon completion of the assignment abroad and return to a domestic position.

### **3 FAM 3437.5 Not Authorized at Separation**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

Unused home leave may not be the basis of any lump-sum payment upon separation.

### **3 FAM 3437.6 Scheduling Travel**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

The authorizing official should seek to make trips which are cost effective to the U.S. Government at the time of actual travel. Timing of trips should be arranged to take advantage of:

- (1) Other U.S. Government charter or contract flights;
- (2) Special excursion rates or seasonal reductions in fares;
- (3) Surface transportation where rates are lower than the cost of less than economy air accommodations; or
- (4) Other official travel by the employee or employee's family members.

### **3 FAM 3438 CHARGING HOME LEAVE**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

- a. Home leave will be charged for all days on which an employee would otherwise work in the basic 40-hour workweek, including any local holidays which occur at the post of assignment while the employee is in the United States or a U.S. Commonwealth or possession. The minimum charge is one day and additional charges are in multiples of one day thereof.
- b. Home leave will not be charged for any day on which an employee spends authorized time in community relations and public affairs activities such as speeches and participation in university seminars and media events. Time spent in such activities, performed at the request of the foreign affairs agency, is considered performance of duty.

### **3 FAM 3439 FAILURE TO RETURN TO SERVICE ABROAD**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

- a. An employee shall be indebted for the home leave used if the employee:
  - (1) Fails to return to service abroad after the period of home leave; or
  - (2) Fails to complete, after the period of home leave, at least six months' service in an assignment in the United States or a U.S. Commonwealth or possession. Employees who return abroad upon completion of home leave must serve one year of the tour.
- b. When a determination is made that a refund of all home leave is required, the employee shall repay the transportation costs connected with the home leave, and shall have the home leave charge changed to annual leave. If a partial refund of home leave is required, that portion is charged to annual leave, and there is no requirement to repay the transportation costs, provided that the minimum time requirements for home leave are met (refer to 5 C.F.R. 630.606, paragraph (e)).

#### **3 FAM 3439.1 Exceptions**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

No refund of home leave indebtedness is required when the employing

agency:

- (1) Determines that the employee's failure to return to duty and to serve one year of the tour abroad or serve six months of an assignment in the United State was due to compelling personal reasons of a humanitarian or compassionate nature. Such exceptions may involve physical or mental health or circumstances over which the employee had no control; or
- (2) Determines that it is in the public interest not to return the employee to an assignment abroad.

### **3 FAM 3439.2 Involuntary Separation While on Home Leave**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

If an employee is on home leave and a determination is made that such employee not be retained in the Foreign Service, the appropriate personnel office shall immediately notify the employee of such determination. The notification will be sent by certified or registered mail and a return receipt will be requested. The employee will be carried on home leave through the close of business on the day on which the employee receives the notice. In such instances, the employee will not be required to refund his or her salary and no charge will be made to the employee's annual leave for the period of home leave already taken.

### **3 FAM 3439.3 Home Leave Address Of Record**

*(TL:PER-384; 05-18-2000)*

*(Uniform State/USAID/Commerce/Foreign Service Corps—USDA)*

*(Applies to Foreign Service & Civil Service Employees)*

The home leave address-of-record is indicated on Form OF-126, Residence and Dependency Report, which serves as the basis for determining the destination of employees and family members in connection with home leave travel at U.S. Government expense. Therefore, it is important that a current and accurate report be on file in the employing agency at all times.